IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3956 OF 2005

R.K. Banerjee ..Petitioner.

Versus

The Central Bank of India & Ors. ..Respondents.

Mr. K.N. Kandekar for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 05TH JULY, 2005.

P.C.:

1. The petitioner has challenged the order dated 13.05.2005, by which the learned Principal Judge of the City Civil Court, Bombay has refused to grant stay in an Appeal and notice issued under section 4, sub-section 2 of the Public Premises Act. It is clear that the petitioner has retired from the services of the Bank on 29th September, 2001 and a petition challenging his retirement has been dismissed by this court. It appears from the impugned order that the

petitioner had disclosed different birth dates on different occasions under his own hand writing; the consequence of which would be that he was employed at the age of 14 years. The petitioner applied for review of the order of this court, which has also been rejected.

2. The Appellate Court has observed that the petitioner stood superannuated from the Bank service on 29th September, 2001 and has been held liable for damages amounting to approximately Rs. 4,30,500/-. Apparently, when asked by the City Civil Court, the petitioner expressed his willingness to deposit only Rs. 50,000/-.

3. The learned counsel for the petitioner argued that the petitioner cannot deposit the damages in view of the fact that his dues are withheld by the employer and therefore, he does not wish to hand over possession of the premises until such dues are paid to him. There is no merit in this contention. If the petitioner’s dues are withheld, he may take recourse to such proceedings as are available to him for recovery of his dues. That is entirely a different matter.

4. In the circumstances, there is no reason to interfere with the order, refusing stay. Petition is dismissed.

05.07.2005 (S.A.BOBDE,J.)

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